

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY CARACAS IMMEDIATE

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FOLLOWING IS REPEAT STATE 200628, SENT BUENOS AIRES 12 AUGUST:

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E.O. 11652: N/A

TAGS: SNAR, USAR

SUBJECT: NEWSWEEK ARTICLE ON RUSSO AND EXPULSION

1. AUGUST 16, 1976 NEWSWEEK CARRIES AN ARTICLE ENTITLED, "THE DRUG VIGILANTES." THE ARTICLE PLAYS UP THE EXPULSION ASPECTS OF THE INTERNATIONAL NARCOTICS CONTROL PROGRAM AND ATTEMPTS TO CHARACTERIZE THIS INFORMAL METHOD OF OBTAINING FUGITIVES AS "KIDNAPPING." THE LEAD PARAGRAPH IS AS FOLLOWS:

QUOTE: FRANCOIS CHIAPPE TRAVELED FIRST CLASS TO THE UNITED STATES - IN A CHARTERED BRANIFF DC-8 THAT COST THE U.S. GOVERNMENT, DOLLARS 62,500. BUT CHIAPPE, WHO ARRIVED IN NEW YORK TWO MONTHS AGO TO FACE CHARGES OF CONSPIRACY IN INTERNATIONAL DRUG TRADING, DID NOT ENJOY THE TRIP. HIS FRONT TEETH, SOME OF WHICH HAD BEEN BROKEN OFF AT THE GUMS DURING HIS POLICE SEND-OFF FROM ARGENTINA, WERE BADLY IN NEED OF DENTAL HELP. HIS BODY WAS COVERED WITH BRUISES AND
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THERE WERE THREE UGLY SLITS ACROSS HIS FOREHEAD. IT IS DOUBTFUL THAT HE PAID MUCH ATTENTION WHEN, AS SOON AS HIS PLANE WAS IN INTERNATIONAL AIR SPACE, U.S. AGENTS READ HIM HIS RIGHTS. UNQUOTE. THE ARTICLE ALSO GOES INTO GREATER

DETAIL ON THE ARGENTINE EXPULSION IN THE FOLLOWING QUOTED PORTION:

QUOTE:THE MOST RECENT TROPHIES OF DE FACTO EXTRADITION ARE THE FRENCHMAN CHIAPPE, THE ITALIAN MIGUEL RUSSO AND THE CHILEAN YOLANDA SARMIENTO, WHO WERE RESIDENT ALIENS OF ARGENTINA, AND THE ALLEGED FRENCH MASTER DEALER DOMINIQUE ORSINI, WHO WAS ABDUCTED FROM SENEGAL. THE THREE ARGENTINES WERE BILLED IN DEA PRESS RELEASES AS "AMONG THE MOST SOUGHT AFTER CRIMINAL NARCOTICS ORGANIZERS IN THE WORLD." LIKE ITS CHILEAN COUNTERPART, THE JUNTA THAT OUSTED THE ISABEL PERON GOVERNMENT IN 1976 SEEMED ANXIOUS TO PLEASE U.S. AGENTS WHO SOUGHT THE EXPULSIONS. BECAUSE EXPELLED PERSONS ARE LEGALLY ENTITLED TO CHOOSE THEIR DESTINATIONS, THE OFFICIAL LINE IS THAT THE TRIO "OPTED" FOR THE U.S. - AND POSSIBLE JAIL TERMS. BUT EVEN DEA MEN PRIVATELY SNICKER AT THAT NOTION. "IF YOU CONSIDER IT AN OPTION WHEN SOMEONE PUTS A SUBMACHINE GUN IN YOUR MOUTH AND SAYS, 'SIGN THIS PAPER, SAYS RUSSO'S ATTORNEY NANCY ROSNER, "THEN THEY HAD AN OPTION."

RUSSO WAS PUT ON TRIAL LAST MONTH. THE GOVERNMENT'S ONLY WITNESS WAS LESS THAN COMPELLING, THE PROSECUTORS WERE UNABLE TO COME UP WITH PROMISED DOCUMENTS THAT WERE TO PROVE RUSSO HAD BEEN LEGALLY EXPELLED FROM ARGENTINA - AND THE JURY WOUND UP HUNG, 8 TO 4 IN FAVOR OF ACQUITTAL. NOW, AS THEY AWAIT FURTHER TRIALS, THE "ARGENTINE THREE" ARE DRAWING NEW ATTENTION TO THE DE FACTO EXTRADITION PROCEDURE.

IF THE DEA IS UNABLE TO BACK UP ITS CLAIMS WITH CONVICTIONS IN COURT - OR IF ITS "MOST WANTED" PRESS RELEASES HAVE TO BE TONED DOWN DRASTICALLY, AS IN THE RICORD CASE - THE ARGENTINE "KIDNAP" COULD TURN OUT TO BE ANOTHER EMBARRASSMENT. BUT EVEN IF THE GOVERNMENT WINS THE CASE, ITS METHOD STILL REMAINS DUBIOUS. "THE MAN WAS KIDNAPPED" SAYS CHIAPPE'S ATTORNEY GINO GALLINA. "THIS WAS THE WATERGATE MENTALITY, THAT THE END JUSTIFIED THE MEANS. IT LIMITED OFFICIAL USE
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DEMEANS THE WHOLE SYSTEM."

RECENT DEA GUIDELINES HAVE, IN PART, MODIFIED THE SYSTEM BY LIMITING THE FREEDOM OF AGENTS TO WORK WITH FOREIGN POLICE. A BILL NOW PENDING IN THE SENATE WOULD FURTHER CURB SUCH ACTIVITIES BY SPECIFICALLY DENYING THE DEA ANY DIRECT ROLE IN FOREIGN POLICE OPERATIONS. BUT DOWN IN THE TRENCHES OF THE WAR ON DRUGS, DEA AGENTS HAVE SO FAR SHOWN NO INCLINATION TO STOP TAKING PRISONERS THROUGH DE FACTO EXTRADITION. THAT WARTIME ATTITUDE MAY BE UNDERSTANDABLE, BUT NONCOMBATANTS MAY CONCLUDE THAT KIDNAPPING AS A POLICY DOES DEMEAN THE NATION. UNQUOTE.

2. THE BALANCE OF THE ARTICLE NOT QUOTED DISCUSSES IN
SOME LURID DETAILS THE CASES INVOLVING CHIAPPE AND DAVID,

AUGUSTE RICORD AND THE CHILEAN EXPULSION OF CHOY ZEBALLOS.

3. IN ASMUCH AS THE DEPARTMENT MIGHT ANTICIPATE SOME
PRESS INQUIRIES CONCERNING THIS ARTICLE, IT WOULD BE
HELPFUL TO HAVE AS MUCH INFORMATION AS POSSIBLE ON THE
CIRCUMSTANCES SURROUNDING THE ARREST, DETENTION AND EX-
PULSION OF CHIAPPE, MIGUEL RUSSO AND YOLANDA SARMIENTO.

4. DEPARTMENT IS AWARE THERE WAS NO U.S. OFFICIAL IN-
VOLVED IN THE APPREHENSION OF ANY OF THESE FUGITIVES AND
THAT CHIAPPE'S CONDITION CAN IN NO WAY BE ATTRIBUTABLE TO
ANY ACT OF A U.S. OFFICER OR EMPLOYEE. NEVERTHELESS, IT
WOULD BE HELPFUL TO HAVE INFORMATION ON THE MANNER IN WHICH
CHIAPPE SUSTAINED THE INJURY IN THIS ARTICLE. DEPARTMENT
ASSUMES THAT HE WAS INJURED WHILE RESISTING ARREST BY
ARGENTINE OFFICIALS AND CONFIRMATION OF THIS, TOGETHER
WITH AS MANY PARTICULARS AS POSSIBLE WOULD BE HELPFUL IN
ANY RESPONSE TO THIS ARTICLE.

5. THE ARTICLE ALSO MAKES REFERENCE TO THE ARGENTINE
DOCUMENTATION CONCERNING THE EXPULSION WHICH PROSECUTORS
UNABLE TO PRODUCE DURING CHIAPPE'S TRIAL. DEPARTMENT WAS
UNDER THE IMPRESSION THAT SIGNED ORDER OF EXPULSION WAS
BEING POUCHED. THEY HAVE NOT BEEN RECEIVED. DEPARTMENT
WOULD APPRECIATE RECEIVING COPIES OF ANY SUCH ORDERS OR
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DOCUMENTATION REGARDING ARGENTINE EXPULSION ACTION. KISSINGER
UNQUOTE. KISSINGER

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